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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91178747
Party	Defendant Votivo, Ltd.
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Submission	Answer
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Date	09/12/2007
Attachments	pldg applicant's answer to notice of opposition.pdf (4 pages)(137024 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application Serial No. 76/613881
For the Mark MANDARINE
Published in the Official Gazette JUNE 5, 2007

MINE DESIGN D/B/A/ OF AMAL FLORES
(U.S.),

Opposers,

v.

VOTIVO, LTD., A Washington
corporation,

Applicant.

ANSWER TO NOTICE OF OPPOSITION
Opposition No. 91178747

The Applicant, VOTIVO, LTD., a Washington Corporation, by and through its attorney of record, Mark V. Jordan and Invicta Law Group, PLLC, hereby responds to the Notice of Opposition as follows:

ANSWER

1. Responding to enumerated paragraph 1, Applicant admits that its federal trademark application, serial no. 76613881, speaks for itself.
2. Responding to enumerated paragraph 2, Applicant admits the same.
3. Responding to enumerated paragraph 3, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in said paragraph and, on that basis, denies the same but admits that Opposer received an extension of time in which to file this Opposition.
4. Responding to paragraph 4, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in said paragraph and, on that basis, denies the same.
5. Responding to enumerated paragraph 5, to the extent that said paragraph contains allegations rather than legal conclusions, Applicant lacks sufficient

knowledge or information to form a belief as to the truth or falsity of the allegations in said paragraph and, on that basis, denies the same.

6. Responding to enumerated paragraph 6, to the extent that said paragraph contains allegations rather than legal conclusions, Applicant denies the same.
7. Responding to enumerated paragraph 7, to the extent that said paragraph contains allegations rather than legal conclusions, Applicant denies the same.
8. Responding to enumerated paragraph 8, Applicant admits that “mandarine” is the French translation of the English word “mandarin” but denies the other allegations contained therein.
9. Responding to enumerated paragraph 9, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in said paragraph and, on that basis, denies the same.
10. Responding to enumerated paragraph 10, to the extent that said paragraph contains allegations rather than legal conclusions, Applicant denies the same.
11. Responding to enumerated paragraph 11, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in said paragraph and, on that basis, denies the same.
12. Responding to enumerated paragraph 12, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in said paragraph and, on that basis, denies the same.
13. Responding to enumerated paragraph 13, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in said paragraph and, on that basis, denies the same.
14. Responding to enumerated paragraph 14, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in said paragraph and, on that basis, denies the same.
15. Responding to enumerated paragraph 15, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations (to the extent they are allegations and not legal conclusions) in said paragraph and, on that basis, denies the same.
16. Responding to enumerated paragraph 16, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations (to the extent they are allegations and not legal conclusions) in said paragraph and, on that basis, denies the same.

17. Responding to enumerated paragraph 17, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations (to the extent they are allegations and not legal conclusions) in said paragraph and, on that basis, denies the same.
18. Responding to enumerated paragraph 18, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations (to the extent they are allegations and not legal conclusions) in said paragraph and, on that basis, denies the same.
19. Responding to enumerated paragraph 19, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations (to the extent they are allegations and not legal conclusions) in said paragraph and, on that basis, denies the same.
20. Responding to enumerated paragraph 20, Applicants has no basis on which to either admit or deny this broad incorporation by reference and refers to its individual answers to each of the referenced paragraphs.
21. Responding to enumerated paragraph 21, Applicant denies same.
22. Responding to enumerated paragraph 22, Applicant denies same.
23. Responding to enumerated paragraph 23, Applicant denies same.
24. Responding to enumerated paragraph 24, Applicant denies same.
25. Responding to enumerated paragraph 25, Applicant denies same.
26. Responding to enumerated paragraph 26, Applicant denies same.
27. Responding to enumerated paragraph 27, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in said paragraph and, on that basis, denies the same.
28. Responding to enumerated paragraph 28, to the extent that said paragraph contains allegations rather than legal conclusions, Applicant denies the same.
29. Responding to enumerated paragraph 29, Applicants has no basis to either admit or deny this broad incorporation by reference and refers to its individual answers to each of the referenced paragraphs.
30. Responding to enumerated paragraph 30, to the extent that said paragraph contains allegations rather than broad and incorrect legal conclusions, Applicant denies the same.

31. Responding to enumerated paragraph 31, to the extent that said paragraph contains allegations rather than broad and incorrect legal conclusions, Applicant denies each allegation and legal conclusion.
32. Responding to enumerated paragraph 32, to the extent that said paragraph contains allegations rather than broad and incorrect legal conclusions, Applicant denies each allegation and legal conclusion.
33. Responding to enumerated paragraph 33, to the extent that said paragraph contains allegations rather than broad and incorrect legal conclusions, Applicant denies each allegation and legal conclusion.

AFFIRMATIVE DEFENSES

In further answer to the Notice of Opposition, and as affirmative defenses thereto, Applicant asserts that:

1. First Affirmative Defense. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.
2. Second Affirmative Defense. Opposer's Notice of Opposition fails because the Opposed Mark has been previously registered by Applicant in U.S. Registration No. 2728815 and thus this Opposition is subject to the doctrines of res judicata and claim preclusion.

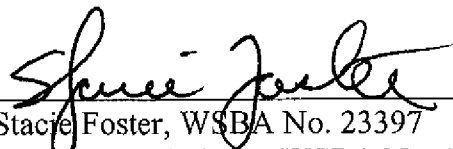
RELIEF REQUESTED

WHEREFORE, Applicant, having set forth its Answer to the Notice of Opposition and its affirmative defenses, respectfully requests that this opposition proceeding be dismissed, with prejudice.

Respectfully Submitted,

DATED: September 11, 2007.

INVICTA LAW GROUP, PLLC

By 
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